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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 30

Application Number: 08/799,073
Filing Date: February 11, 1997
Appellant(s): DAVIS ET AL.

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Technology Center 2100

Vitor G.Cooper
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/03/2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

Group I: Claims 1,19, 29 and 13,24, 30

Group II: Claims 10-12,14-18,20-21,23,25-27 and 31-32

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,953,506   Kalra et al   9-1999

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

1.   Claims 1,10-21,23-27,29-32 are rejected under 35 U.S.C. 102[e] as being anticipated by Kalra et al [Kalra 5,953,506]

2.   As per claims 1,19 and 29 Kalra discloses a method of transmitting a data segment in a stream using a write module of the type which implements a selected one of a plurality of versions of a streaming protocol outputting a first stream of data according to a first version of the streaming protocol [col 2 lines 1-50, col 4 lines 1-45];

sequentially appending additional streams of data to the first stream of data according to each subsequent version of the streaming protocol up to and including the selected version, if the selected version of the streaming protocol is not the first version of the streaming protocol [Karla abstract, col 4 lines 33-46, col 10 lines 1-17]

delimiting the data segment in the data stream begin and end tags [Karla Fig 16A1, col 25 lines 39-47].

3.   As per claim 10, Kalra disclose no additional tags are embedded in the data segment between the begin and tags which is equivalent to data stream with sequence sart (i.e.: begin tag), sequence end (i.e.: end tag) and no additional tags of other stream [Karla Fig 16A1]

4.   As per claims 11,23 Kalra discloses determining whether the data segment is stored in a current context for the data stream; if so, transmitting an alias tag in lieu of segment; and not, storing the data segment in the current context as inherent feature of using tag on data stream [Karla Fig 16A1, col 25 lines 39-47].

5.   As per claim 12, Kalra discloses the data is a non-random access data stream as a video stream [Karla col 19 line 65]

6.   As per claims 13,24 and 30 contain the similar limitation of claim 1 except the step testing, prior to receiving each additional stream of data, whether an end of the data segment has been detected, and if so, terminating reception of the data segment prior to receiving the addition stream of data according to the selected version as inherent feature of encoding, decoding, storing and transmitting data stream [col 2 lines 27-50, col 4 lines 33-46, col 5 line 57-col 6 line 26, col 14 lines 12-34, col 15 lines 50-65, col 19 lines 1-21, col 21 line 61-col 22 line 15, col 23 lines 8-27, col 24 lines 16-49, col 26 line 49-col 27 line 14].

7.   As per claims 14 and 25 Kalra discloses if the end of the data segment has not been detected upon receiving the additional stream of data according to the selected version, disregarding any remaining data in the segment as inherent feature of decoding multimedia stream data [Karla col 16 lines 37-48].

8.   As per claim 15 Kalra discloses storing the data segment current context, including any disregarded data therefrom [Karla col 7 line 62- col 8 line 7, col 35 lines 59-64, col 37 lines 7-10, col 38 line 1]

9.   As per claims 16,20 and 26, Kalra discloses the data segment is an object [Fig

22].

10.   As per claims 17 and 21, Kalra discloses the testing includes the step of

initializing object data that is not received from the data stream to a default value as

inherent feature of encoding, decoding, storing and transmitting data stream [col 19

lines 23-30, col 32 lines 10-13,49-54].

11.   As per claim 18, Kalra disclose the transmitting an object type or version type for

the data segment; and receiving the object type, including the steps of allocating and

initializing an object when receiving the data segment based upon the object type [Fig

22]

12.   As per claims 31 and 32 Kalra taught the step of testing for a premature end tag

and terminating the reception of the data segment when a premature end tag (i.e.: a

stap of confirm a termination before end tag) [Fig 16A1]

 (11) Response to Argument

Group I:

(A)   As per claims 1,19,29 applicant argues the prior art does not teach using the

different protocols.

        As to point (A) Examiner notes the claim language did not teach the different

protocols within data segments [see papers # 23].

        Per paper #16 (Amendment C) applicant discloses the subject of invention (page

11 lines 3-13): … a first version of the protocol …. with subsequent versions of the

protocol...Examiner interpreted a plurality of different versions of a streaming protocol

was presented as one streaming protocol with different versions.

(B)   As per claims 13,24,30 applicant argues the testing to detect the end of data

segment, terminating the reception of the data segment before receiving the additional

stream of data.

Examiner notes the prior art taught a digital stream combined 3D, audio and

video data using the start and stop data to detecting and terminating the data segment.

[Karla col 25 lines 38-48]. It is clearly the process has stopped the data segment before

receiving the other data stream.

Group II:

A. As per claim 10, applicant argues the prior art does not teach no additional tags are

embedded in the data segment between the begin and tags.

Examiner notes Kalra disclose a data stream with sequence start code (i.e.: begin

tag), sequence end (i.e.: end tag) and no additional tags of other stream [Karla col 9

lines 1-62, col 18 lines 25-38].

B. As per claims 11,23 applicant argues the prior art does not teach the data segment is

stored in a current context for the data stream; if so, transmitting an alias tag in lieu of

segment; and not, storing the data segment in the current context

Examiner notes Kalra taught a stream management modules sends a stream

modification message (i.e.: determining whether the data segment is stored in a current

context for the data stream) by using tags or alias tags on data stream such as STOP or

RESUME data associated with a particular object ID, change priority of the specific type

of data for the specified type of object, STOP / START data objects [col 25 lines 39-47].

C. As per claim 12, applicant argues the prior art does not teach the data is a non-

random access data stream.

Examiner notes Kalra discloses the data is a non-random access data stream as a

video stream [Karla col 19 line 65]

D. As per claims 13,24 and 30 applicant argues the prior art does not teach the step

testing, prior to receiving each additional stream of data, whether an end of the data

segment has been detected, and if so, terminating reception of the data segment prior

to receiving the addition stream of data according to the selected version as inherent

feature of encoding, decoding, storing and transmitting data stream

Examiner notes Kalra discloses the method for encoding, storing, transmitting and

decoding multimedia data stream between server and client. It is clearly the Karla's

method has been tested and provide a result as claimed including detecting the end of

data segment and terminating prior receiving another segment [Karla col 2 lines 27-50,

col 4 lines 33-46, col 5 line 57-col 6 line 26, col 14 lines 12-34, col 15 lines 50-65, col 19

lines 1-21, col 21 line 61-col 22 line 15, col 23 lines 8-27, col 24 lines 16-49, col 26 line

49-col 27 line 14].

E. As per claims 14 and 25 applicant argues the prior art does not teach if the end of the

data segment has not been detected upon receiving the additional stream of data

according to the selected version, disregarding any remaining data in the segment.

Examiner notes Kalra discloses if the end of the data segment has not been

detected upon receiving the additional stream of data according to the selected version,

disregarding any remaining data in the segment as the base stream is preferably not

run length encode [Karla col 7 lines 10-30]. Thus, it is clearly the code could not detect

the end of data segment and it must be dropped to receiving the additional stream (ie.:

the frame rate 20) [Karla col 10 lines 46-67].

F. As per claim 15 applicant argues the prior art does not teach storing the data

segment current context, including any disregarded data therefrom.

Examiner notes Kalra discloses storing the data segment current context, including

any disregarded data therefrom [Karla col 7 line 62- col 8 line 7, col 35 lines 59-64, col

37 lines 7-10, col 38 line 1]

G. As per claims 16,20 and 26, applicant argues the prior art does not teach the data

segment is an object.

Examiner notes Kalra discloses the data object or data segment as an object

contains object ID, object type, data pointer and priority [Fig 22].

H. As per claims 17 and 21, applicant argues the prior art does not teach the testing

includes the step of initializing object data that is not received from the data stream to a

default value

Examiner notes Kalra discloses initializing object data that is not received from the

data stream to a default value [Karla col 17 lines 39-46] as a various subject matter of

global default shade mode [Karla col 22 line 66-col 23 line 7]. It is clearly the encoding,

decoding, storing and transmitting data stream must include the step of initializing data

which different form the default (i.e.: original) data such as MPEG, WAV and AIFF

formats [Karla col 4 lines 5-13, col 19 lines 23-30, col 32 lines 10-13,49-54].

I. As per claim 18, applicant argues the prior art does not teach transmitting an object

type for the data segment; and receiving the object type, including the steps of

allocating and initializing an object when receiving the data segment.

Examiner notes Kalra disclose the transmitting and receiving the object type,

including the steps of allocating and initializing an object when receiving the data

segment based upon the object type [Karla col 25 lines 39-48].

J. As per claims 31 and 32, applicant argues the prior art does not teach the step of

testing for a premature end tag and terminating the reception of the data segment when

a premature end tag is received.

Examiner notes Kalra discloses a stream management module provides a STOP

or RESUME data associated with a particular object identification such as a premature

end tag and terminating the reception of the data segment when a premature end tag is

received [Karla col 25 lines 39-48].

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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PRIMARY EXAMINER

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Conferees

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